

SEARCH Resolution 00-29

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

July 29, 2000

Department of Defense Background Checks

WHEREAS, the Senate Department of Defense Authorization Act for FY 01, S. 2550, includes a provision (Section 1057) which would require state and local agencies to provide criminal history record information in response to a "name-only" request from specified federal agencies including the Department of Defense for security clearances, assignment to sensitive national security duties, assignments in the Armed Forces and assignments to positions of public trust in government service or as a contractor to the government;

WHEREAS, SEARCH has a long standing record of support for access to criminal history record information for background checks for national security purposes and other sensitive, governmental, non-criminal justice purposes;

WHEREAS, SEARCH also has a long standing record of support for these background checks being conducted on the basis of fingerprints, so as to avoid the risk of false positives and false negatives and the resulting burden arising from false positive and the resulting risks arising from false negatives;

WHEREAS, SEARCH has a long standing record of support for the principle that the dissemination and processing of criminal history records originated and maintained by the states should be governed by state law rather than federal law;

WHEREAS, many states have adopted statutes which expressly require that non-criminal justice background checks, including the type of background checks covered in Section 1057 of S. 2550, be conducted only pursuant to the submission of fingerprints; and

WHEREAS, Title 2 of the Crime Identification Technology Act of 1998, the Interstate Identification Index National Compact, requires that all non-criminal justice background checks be conducted pursuant to the submission of fingerprints.

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Congress of the United States should reject Section 1057 of S. 2550 and should continue to support only fingerprint-based background checks for non-criminal justice purposes."